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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/831,084	05/03/2001	Michel Blayrac	33486	8373
116	7590	09/18/2006	EXAMINER	
PEARNE & GORDON LLP 1801 EAST 9TH STREET SUITE 1200 CLEVELAND, OH 44114-3108			BUTLER, MICHAEL E	
			ART UNIT	PAPER NUMBER
			3653	

DATE MAILED: 09/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/831,084

Applicant(s)

BLAYRAC ET AL.

Examiner

Michael Butler

Art Unit

3653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11, 13-17, 19, 20 and 23-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 11, 13-16, and 23-30 is/are rejected.
- 7) ☐ Claim(s) 17, 19 and 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office Action, and apply to this and any subsequent Office Actions.

Priority

1. Applicant's claim of priority as a national stage 371 application of application of PCT/FR99/02723 filed 11/08/1999 which claims priority to French application 9814141 filed 11/10/1998.

Drawings

2. New drawings will be required contingent upon allowance because the drawings were objected to by the draftsman/declared informal by the applicant.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim(s) 23-25 is/are rejected under 35 U. S. C. 112 second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

There is a lack of antecedent basis in the claims for the limitation: the management means.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claim(s) 11, 13, 16, and 22, and 26-30 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over White in view of Dudar et al. (5324948) wherein the former discloses: 23-24, 26-27

(Re: cl 11,23) a control system for remote manipulation in a containment system featuring an onboard control radiation protected means (upper left corner fig 16) onboard power supply (47) central control means (c9 L 29-37; 100 fig 16) (11,24) redundant power supplies (c3 L 44-c4 L 2; c6 L 5-20; fig 5) (Re: cl 16,26) control box attached to a base (c6 L 16-20 with c 9 L 29-37) (Re: cl 23) plural processors and redundant power supplies (c3 L 44-c4 L 2; c6 L 5-20; fig 5) (Re: cl 21, 24,29) at least one power source supplies all the power for transmission of information (c3 L 44-c4 L 2; c6 L 5-20 and inherent) (Re: cl 26) control box includes housing and configured to be attached to carrying equipment, wherein the control box is attached to carrying equipment.

and Dudar et al discloses any elements not explicitly or inherently taught by the former including:

lead base plate (116 fig 2b; c6 L 1-6) (Re: cl26) lead base plate is configured to be placed between housing and carrying equipment (116 fig 2b) (Re: cl 25,27) control box further comprising base configured to be permanently attached to carrying equipment, housing configured to be removably attached to base wherein base includes lead base plate (116 fig 2b) (Re: cl 13,23) plural processors (c6 L 60-7 L 10). (Re: cl 28,30) Management means comprises a communications device to transmit orders to onboard control means (1747-1765 fig 4; c7 L 44-c8 L 7).

It would have been obvious at the time of the invention for White to use a lead base plate to protect the robot against floor radiation as taught by Dudar et al. and come up with the instant

invention. It would have been obvious at the time of the invention for White to use a removably attachable base including lead base plate to quickly replace damaged parts or to adjust shielding levels commensurate with the environs and mission objective as taught by Dudar et al. and come up with the instant invention. It would have been obvious at the time of the invention for White to use plural alternate processors to bifurcate functions thereby simplifying computer systems through specialization of tasks such a docking, navigation, and collision avoidance a lead base plate to protect the robot against floor radiation as taught by Dudar et al. and come up with the instant invention. It would have been obvious at the time of the invention for White to use a remote communications device to transmit orders to onboard control means to permit operators to control the robot from a radioactive remote distance as taught by Dudar et al. and come up with the instant invention.

7. Claim(s) 11,13,14,15,16, and 27 and 30 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Wada et al. in view of Dudar et al. 5324948 wherein Wada et al. 6275747 discloses:

(Re: cl 11,30) a control system for remote manipulation in a containment system featuring an onboard radiation protected control means (11; c6 L 24-29)

onboard power supply (16)

central control means (c2 l 26-33)

(Re: cl 23) plural processors (c2 L 26-33;c5 L 5-11) and redundant power supplies (c3 L 40-44, memory battery backup)

(Re: cl 13) plural alternately operating microprocessors (c2 l 26-33)

(Re: cl 14) control system is self configurable (c 3 L 45-65; c4 L 22-40)

(Re: cl 15) control system configured for processing and operating responsive to diagnostic errors (c4 L 22-40;c3 L 45-65)

(Re: cl 21, 24) at least one power source supplies all the power for transmission of information (c4 L 57-60; c26-33, also inherent).

the former discloses the elements previously discussed and the latter discloses any elements not explicitly or inherently taught by the former including:

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lead base plate (116 fig 2b; c6 L 1-6)

(Re: cl26) lead base plate is configured to be placed between housing and carrying equipment (116 fig 2b)

(Re: cl 25, 27) control box further comprising base configured to be permanently attached to carrying equipment, housing configured to be removably attached to base wherein base includes lead base plate (116 fig 2b)

(Re: cl 13,23) plural processors (c6 L 60-7 L 10); (Re: cl 28) Management means comprises a communications device to transmit orders to onboard control means (1747-1765 fig 4; c7 L 44-c8 L 7).

It would have been obvious at the time of the invention for Wada et al. to use a lead base plate to protect the robot against floor radiation as taught by Dudar et al. and come up with the instant invention. It would have been obvious at the time of the invention for Wada et al. to use a removably attachable base including lead base plate to quickly replace damaged parts or malfunctioning or worn components, upgrade to available advancing componentry, ease of repair, and recharge of batteries or to adjust shielding levels commensurate with the environs and mission objective as taught by Dudar et al. and come up with the instant invention. It would have been obvious at the time of the invention for Wada et al. to use plural alternate processors to bifurcate functions thereby simplifying computer systems through specialization of tasks such a docking, navigation, and collision avoidance a lead base plate to protect the robot against floor radiation as taught by Dudar et al. and come up with the instant invention. It would have been obvious at the time of the invention for Wada et al. to use a remote communications device to transmit orders to onboard control in the containment to permit operators to control the robot from a radioactive remote distance as taught by Dudar et al. and come up with the instant invention.

8. Claim(s) 23-25 and 30 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Wada et al. in view of White et al. wherein the former discloses the elements previously

discussed and the latter discloses any elements not explicitly or inherently taught by the former including:

(Re: cl 23,28,30) a control system for remote manipulation in a containment system featuring an onboard radiation protected control means (11; c6 L 24-29)
onboard power supply (16)
central control means (c2 l 26-33)
plural processors (c2 L 26-33;c5 L 5-11).
(Re: cl 14) control system is self configurable (c 3 L 45-65; c4 L 22-40)
(Re: cl 15) control system configured for processing and operating responsive to diagnostic errors (c4 L 22-40;c3 L 45-65)
(Re: cl 21, 24) at least one power source supplies all the power for transmission of information (c4 L 57-60; c26-33, also inherent).

the former discloses the elements previously discussed and the latter discloses any elements not explicitly or inherently taught by the former including:

redundant power supplies (c3 L 44-c4 L 2; c6 L 5-20; fig 5)
control box is removably attached to a base (c6 L 16-20 with c 9 L 29-37).

It would have been obvious at the time of the invention for Wada et al. to use a control box attached to a base removable control box and power supply to facilitate replacement of malfunctioning or worn componentry, upgrade to available advancing componentry, ease of repair, and recharge of batteries as taught by White and come up with the instant invention. It would have been obvious at the time of the invention for Wada et al. to use plural redundant power supplies in the event of failure of one there is still sufficient power to operate the system as taught by White and come up with the instant invention.

Allowable Subject Matter

9. Claims 17 and 19-20 are objected to as being a dependent claim premised upon a rejected base claim but would be allowed if the re-written in independent form or if the limitations of an

allowable claim were incorporated within the independent base claim from which this claims depend or if re-written premised upon dependence from an otherwise allowable base claim.

Response to Amendments/Arguments

10. Applicant's amendment was effective in overcoming the rejections under 35 U.S.C. second paragraph to claims 11-22 , however applicant has introduced a new error to independent claim 23 and consequently its dependent claims 24-25. Applicant's arguments were effective in overcoming the rejections under 35 USC 112 1st paragraph. Applicant's arguments were effective in overcoming the anticipatory rejections evidenced by White and Wada et al..

Applicant's arguments were effective in showing Lindequist et al. is not entitled to the 3/30/99 International Filing date, and a review of the following a review of the MPEP 706.02(f)(1) requirements regarding the availability of International applications as prior art under 35 U.S.C. 102(e), but merely to the US 11/13/2000 371 filing date of the national application which is junior to applicant's International Application. The rejections evidenced alone or in part by Lindequist et al. are withdrawn.

Applicant's amendment was effective in overcoming the obviousness rejections evidenced by White in view of Silverman et al.. Applicant's amendment was effective in overcoming the obviousness rejections evidenced by Wada et al. in view of Silverman et al..

The obviousness rejections evidenced by Wada et al. in view of White regarding claims 11-16, 21. The applicant's amendment was unpersuasive in overcoming the rejections to Wada et al. in view of White for claims 23-24 as the new elements were found in the secondary reference White. The new claim elements to claim 23 are found in the applicant's arguments

have been fully considered but they are unpersuasive in overcoming the obviousness rejections evidenced by Wada et al. in view of White to claims 23-24

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Exmr. Michael E. Butler whose telephone number is (571) 272-6937.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Mackey, can be reached on (571) 272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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9/15/06

PM
PATRICK MACKEY
PRIMARY EXAMINER